

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

WILLIAM R. LONGLEY,

Plaintiff,

v.

CIVIL ACTION NO. 3:08-1259

RENAE STUBBLEFIELD,
Personally, and in her professional
capacity as Administrator of Huntington
Work Release Center, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court dismiss this civil action without prejudice, for failure to prosecute; deny Plaintiff's Application to Proceed Without Prepayment of Fees and Costs as moot; and remove this action from the docket of this Court. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DISMISSES** this civil action without prejudice, for failure to prosecute; **DENIES** Plaintiff's Application to Proceed Without Prepayment of Fees and Costs as moot; and **REMOVES** this action from the docket of this Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: May 20, 2011

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE